

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

---

IN RE ADVANTA CORP. ERISA LITIGATION

---

:  
: Civil Action No. 2:09-04974-CMR  
:  
:

**DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' CONSOLIDATED CLASS ACTION COMPLAINT**

Defendants Paul Jeffers, Dennis Alter, Max Botel, Dana Becker Dunn, Ronald Lubner, William Rosoff, Phillip Browne, Michael Coco, John Moore, Jodi Plavner, David Weinstock, Marci Wilf and Cathy Wilson (the "Defendants") hereby move this Honorable Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the provisions of Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* ("ERISA"), for the entry of an Order dismissing the Consolidated Class Action Complaint with prejudice in its entirety. The grounds supporting this Motion are set forth in the accompanying Memorandum of Law.

The Defendants respectfully request oral argument.

Respectfully submitted,

s/ J. Ian Downes

Steven B. Feirson  
Michael L. Kichline  
J. Ian Downes  
Sarah L. Wyatt  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 994-4000

Attorneys for All Defendants Than  
John Moore

s/ Jeffery A. Dailey  
David L. Comerford  
Jeffery A. Dailey  
AKIN GUMP STRAUSS HAUER  
& FELD LLP  
Two Commerce Square  
2001 Market Street, Suite 4100  
Philadelphia, PA 19103

Attorneys for Defendant John Moore

Dated: October 27, 2010